

Appl. No. 10/035,462
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REMARKS

I. Election/Restrictions

Claims 1-9 are withdrawn from further consideration.

II. Claim Rejections – 35 USC § 102

Claims 10-11, 13, 15, 17, 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Snell (US 6,249,705). Applicants respectfully traverse.

Snell discloses a distributed system of network programmers for use with implantable medical devices. Shown in Fig. 2 is a network programmer 104 coupled to a network server 102 over a network 126. In column 7, lines 40-54, Snell discloses that security functions are provided. Specifically, data integrity checks are made to ensure the validity of data exchanged between the programmer 104 and the network server 102.

In contrast to Snell, claim 10 specifies a gateway server coupled between a network and a programming unit for an IMD. A gateway server, as is well known, is a computer that performs protocol conversion between different types of networks or applications. The gateway server specified in claim 10 has a network interface that intercepts data contaminants included in data received via the network and destined for the IMD programming unit. Thus, absent from Snell is a disclosure or suggestion of a gateway server that protects against data contaminants that are received in data coming to the server from a network, which data is to be sent to the IMD programming unit. Snell focuses only on data integrity between the network server 102, which is not a gateway server, and a network programmer 104.

Accordingly, Snell fails to anticipate claim 10 and the claims dependent thereon. The rejection of claims 10-11, 13, 15, 17, 19-20 under 35 U.S.C. 102(e) as being anticipated by Snell should be withdrawn.

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III. Claim Rejections – 35 USC § 103

Claims 12, 14, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snell. Applicants respectfully traverse.

As discussed above, absent in Snell is a disclosure or suggestion of a gateway server that protects against data contaminants that are received in data coming to the server from a network, which data is to be sent to the IMD programming unit. Accordingly, Snell fails to render claim 10 and all claims dependent thereon unpatentable for obviousness under 35 U.S.C. 103(a). The rejection of claims 12, 14, 16 and 18 under 35 U.S.C. 103(a) as being unpatentable over Snell by Snell should be withdrawn.

Claims 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ji et al. (US 5,623,600) in view of Snell. Applicants respectfully traverse.

Ji discloses a server that scans for viruses in file and message transfers *between computer networks*. Col. 1, lines 10-13. The contention is that it would have been obvious in view of Snell to use virus scanning in a server based IMD programming system. Applicants submit that Ji has no applicability to a server based IMD programming system as taught in Snell. Ji only concerns virus scanning between networks. The distributed system of network programmers shown in Snell has but a single network 126 that couples an IMD programmer 104 to server 102. The server 102 is shown coupled to a fax modem but that is only a "network" connection over which a report is transmitted (see col. 7, lines 57-58). The server in Ji has applicability to a system wherein files and messages flow between multiple networks, which a server based IMD programming system as taught in Snell does not have.

Claim 10 specifies a network based IMD programming system. The proposed combination of Snell and Ji is nothing more than a hindsight reconstruction of the claimed subject matter. The subject matter of claim 10, as a whole, would not have been obvious to one of ordinary skill in the art. Accordingly, Ji and Snell fail to render claims 10-20 unpatentable for obviousness under 35 U.S.C. 103(a). The rejection of claims 10-20 under 35

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U.S.C. 103(a) as being unpatentable over Ji in view of Snell should be withdrawn.

IV. Conclusion

Based upon the amendments to the claims and the foregoing remarks, Applicants submit that all claims distinguish over the cited references taken either singly or in combination. Applicants request that a notice of allowance be issued in due course.

Respectfully submitted,

CHESTER G. NELSON ET AL.

January 5, 2005
Date

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
AMENDMENT TRANSMITTAL**

In re Application of: Chester G. Nelson et al.
For: NETWORK COMMUNICATION ARRANGEMENT FOR IMD PROGRAMMING UNITS
Serial No.: 10/035,462
Filed: October 23, 2001

CERTIFICATE UNDER 37 CFR §1.8. I hereby certify that this Amendment and Transmittal and the paper(s), as described herein are being sent to telefacsimile No. (703) 872 9306, MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 5th day of January, 2005.

Signature

Tyenne Pauluik

Printed Name

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
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Sir:

We are transmitting herewith the attached:

X AMENDMENT

☐

Applicant hereby petitions for one months' extension of time. If an additional extension of time is required, please consider this petition therefor.

☐

Please charge Deposit Account No. 13-2546 in the amount of \$_____ for the one-month extension fee.

☒

Please charge any additional fees or credits to Deposit Account No. 13-2546 which may have been overlooked on this Amendment Transmittal with regard to this filing. A duplicate of this transmittal is enclosed.

January 5, 2005
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